

1 WO
2
3
4
5

6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**

8
9 U-Haul Company of Arizona,
10 Plaintiff,
11 v.
12 Tammy Lee, et al.,
13 Defendants.

No. CV-20-00082-PHX-ROS

ORDER

15 Defendant Progressive Commercial Casualty Co. has filed a notice stating it was
16 “improperly identified” in the complaint and “[t]he proper entity is United Financial
17 Casualty Company.” (Doc. 103). Pursuant to Federal Rule of Civil Procedure 21, United
18 Financial Casualty Company will be added as a defendant and Progressive Commercial
19 Casualty Co. will be dismissed.

20 Defendants have agreed to how the total amount on deposit should be distributed.
21 But Plaintiff and Defendants disagree on the language that should accompany the dismissal
22 of this case. According to Plaintiff, the dismissal should state

23 U-Haul Co. of Arizona has satisfied the requirements of 28
24 U.S.C. § 1335, and it is ORDERED that U-Haul Co. of Arizona
25 is forever discharged and released from any further liability as
 to the interpled funds and is DISMISSED from this action with
 prejudice.

26 (Doc. 105 at 3).

27 According to Defendants, the dismissal should state the receipt of funds

28 is not in exchange for a general release of U-Haul Co. of

1 Arizona and not in exchange for a release of any U-Haul
2 company's liability for its own conduct but releases and
3 extinguishes U-Haul Co. of Arizona's liability solely in its
4 capacity as an insurer of Judy King, and thereby discharges all
responsibility for the interpleaded funds such that this
interpleader can now be dismissed and all future claims to the
interpleaded funds should be, and hereby are, prohibited.

5 (Doc. 104 at 4). The parties have not explained the legal importance of their competing
6 proposals.

7 The language proposed by Defendants is more consistent with general interpleader
8 procedure. *See* 28 U.S.C. § 2361 (stating in an interpleader action a court may issue an
9 order restraining parties "from instituting or prosecuting any proceeding in any State or
10 United States court affecting the property"). Therefore, Defendants' language will be
11 adopted with minor modifications.

12 Accordingly,

13 **IT IS ORDERED** Defendant Progressive Commercial Casualty Co. is
14 **DISMISSED** and United Financial Casualty Company is **ADDED** as a Defendant.

15 **IT IS FURTHER ORDERED** the Defendant named as "Gregory Sean" shall be
16 corrected to "Gregory Seal."

17 **IT IS FURTHER ORDERED** the Stipulation (Doc. 104) is **GRANTED**. The
18 entire amount deposited with the Clerk of Court, including any interest, shall be distributed
19 as set forth below. The mailing addresses are contained in Doc. 104.

- 20 • 7.6% to Tammy Lee, Individually;
21 • 7.6% to Tammy Lee as Representative of The Estate of Judith King;
22 • 7.6% to Amanda King, Individually;
23 • 7.6% to Amanda King as Representative of The Estate of Brian King;
24 • 7.6% to Alyssa King;
25 • 7.6% to Bradley King;
26 • 7.6% to Gurmeet Singh;
27 • 7.6% to Gurpreet Kaur;
28 • 7.6% to Gregory Seal;

- 1 • 7.6% to Robert Webster;
- 2 • 7.6% to Beverly Webster;
- 3 • 7.6% to United Financial Casualty Co.;
- 4 • 4.6% to American Inter-Fidelity Exchange a/s/o Mountain River Trucking Co.;
- 5 • 3% to AGCS Maritime Ins. Co. a/s/o Mountain River Trucking Co.;
- 6 • 1.2% to Lynn Trucking, Inc.

7 **IT IS FURTHER ORDERED** the amounts distributed are not in exchange for a
8 general release of U-Haul Co. of Arizona and not in exchange for a release of any U-Haul
9 company's liability for its own conduct but release and extinguish U-Haul Co. of Arizona's
10 liability solely in its capacity as an insurer of Judy King, and thereby discharge all
11 responsibility for the interpleaded funds. All future claims to the interpleaded funds are
12 prohibited.

13 **IT IS FURTHER ORDERED** the Clerk of Court shall enter a judgment of
14 **DISMISSAL WITH PREJUDICE**.

15 **IT IS FURTHER ORDERED** the Motion for Ruling (Doc. 105) is **DENIED**.

16 **IT IS FURTHER ORDERED** the Motion to Withdraw (Doc. 107) is **GRANTED**.
17 Attorneys Joey A. Said and Ana Karen Lee are withdrawn as counsel of record for
18 Defendants Gurmeet Singh and Kaur Gurpreet.

19 Dated this 7th day of December, 2020.

20
21
22
23
24
25
26
27
28



Honorable Roslyn O. Silver
Senior United States District Judge